

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**HB 1726 – SB 2359**

February 15, 2024

**SUMMARY OF BILL:** Exempts an individual or member of an individual's household from the Department of Children's Services (DCS) immunization requirements for adopting or fostering a child if they object on the basis of religious or moral convictions.

**FISCAL IMPACT:**

**NOT SIGNIFICANT**

Assumptions:

- Tennessee Code Annotated § 36-1-148 and § 37-2-419 currently require an individual or a member of an individual's household to undergo immunization as a condition of adopting or fostering a child if a child is under 18 months of age or if the child has a significant documented medical need that necessitates immunization.
- Under 42 United States Code 671(a)(15), in order for a state to be eligible for federal funding for foster care and adoption assistance, a state must have a plan that has been accepted by the Secretary of Health and Human Services which states that a child's health and safety are the paramount concern.
- DCS adheres to the national model foster family home licensing standards provided by the federal Administration for Children and Families (ACF), which is the agency governing compliance of federal Title IV-E funds.
- ACF guidelines require:
  - All children who are household members be up to date on immunizations consistent with the recommendations of the American Academy of Pediatrics (AAP), the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention (ACIP), and the American Academy of Family Physicians (AAFP), unless the immunization is contrary to the child's health as documented by a licensed health care professional;
  - All household members who will be caregivers of infants have an up-to-date whooping cough vaccine consistent with the recommendations of the ACIP, unless the immunization is contrary to the individual's health as documented by a licensed health care professional; and
  - All household members who will be caregivers of infants and children with special medical needs have an up-to-date annual influenza vaccine consistent

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with the recommendations of the ACIP, unless the immunization is contrary to the individual's health as documented by a licensed health care professional.'

- As a result, DCS has a policy of not placing children under the age of five with any foster family whose members object to federally required immunizations.
- Continuation of federal Title IV-E funding would be dependent on whether the legislation's exemptions are compatible with the national standards and, ultimately, determinations of the federal government. In the event of noncompliance, federal funding may be jeopardized.
- However, Indiana recently enacted a law (Public Law 45 of 2023) which prohibits a licensed child placing agency from requiring, as a condition for obtaining an abortion, that an individual or a member of the individual's household receive an immunization. To date, Indiana's Title IV-E funding has not been disrupted. Additionally, based on information provided by DCS, additional states have exemptions similar to those proposed in this legislation and have not had disruptions to their federal funding.
- In FY23-24, DCS received \$252,509,300 in federal funding under Title IV-E.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.



Krista Lee Carsner, Executive Director

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